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No 'Ceiling' on Figures, CBS Case Witness Says

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The military's chief negotiator at a high-level 1967 conference on the size of the enemy in South Vietnam testified yesterday that, with the "blessing" of Gen. William C. Westmoreland, he presented estimates based on the "best" intelligence available to him.

The witness, Brig. Gen. George A. Godding, said he told CBS during its preparation of a 1982 documentary that is the subject of a libel suit by General Westmoreland that the military's figures on enemy strength were not the result of a "ceiling" imposed arbitrarily by General Westmoreland.

In effect, General Godding, like most of the other witnesses for General Westmoreland who have preceded him to the stand since testimony began on Oct. 15, implied that CBS had distorted important events in Saigon and Washington in 1967 relating to military assessments of the enemy.

But at the start of vigorous cross-examination that will continue on Monday, David Boies, the lawyer for CBS, questioned whether the statements made by General Godding on the witness stand were consistent with what he had said in a pretrial deposition.

Q. When you gave your deposition, did you understand that you were under oath?

A. Yes, sir.

Under direct examination, General Godding said he told George Crile, the documentary's producer, that "there was no ceiling placed on us." He said the military's figures — which totaled 298,000 without certain categories that had previously been counted — were substantially lower than those advanced by the Central Intelligence Agency at the conference but derived from "our best estimates from intelligence sources."

On the CBS documentary, titled "The Uncounted Enemy: A Vietnam Deception," the narrator, Mike Wallace, said the chief of the military's delegation "told us that General Westmoreland had, in fact, personally instructed him not to allow the total [enemy strength] to go over 300,000." Mr. Wallace said that some military officers at the conference felt that figure was too low and

represented an "arbitrary ceiling."

General Godding, who was not interviewed on camera for the broadcast, was not identified by name by Mr. Wallace.

Yesterday, General Godding testified in Federal Court in Manhattan that, during the conference in August 1967, he presented both the military's and the C.I.A.'s estimates to the Joint Chiefs of Staff. The Joint Chiefs, he said, agreed with General Westmoreland's position that the enemy's self-defense and secret self-defense forces should no longer be included in official estimates of North Vietnamese and Vietcong strength.

On the documentary, Mr. Wallace described the exclusion of those forces as "a new tactic" by General Westmoreland to artificially reduce the size of enemy forces to make it appear that America was winning "a war of attrition."

If the self-defense and secret self-defense forces — whose military capacity was in dispute — had continued to be counted in the official listing of enemy strength known as the order of battle, the total size of the enemy would have been in the range of 420,000. At the time of the weeklong conference attended by General Godding at C.I.A. headquarters in Langley, Va., the order of battle listed full enemy strength at 299,000.

Size of Communist Forces

General Westmoreland, who commanded American forces in Vietnam from 1964 to 1968, contends that CBS libeled him by saying that he deceived President Johnson and the Joint Chiefs of Staff about the size and nature of Communist forces in South Vietnam in the year before the Tet offensive of January 1968.

The general specifically accused CBS and several other defendants — including Mr. Wallace and Mr. Crile — of saying that he had arbitrarily ordered a ceiling of 300,000 enemy forces, suppressed reports from his officers of a higher enemy presence and a higher infiltration rate than was known, and engineered a cover-up after the offensive.

CBS takes the position that the docu-

mentary was true.

The purpose of the conference at C.I.A. headquarters — which was attended by representatives from a variety of intelligence agencies — was not only to update the order of battle but to devise a special national intelligence estimate for the President.

One of the officers from General Westmoreland's command who took part in the conference was Col. Gains Hawkins, chief of General Westmoreland's order of battle unit.

On the CBS broadcast 15 years later, Colonel Hawkins said he thought the military's old figure of enemy strength

needed to be dramatically increased and he had said so to Samuel A. Adams, one of the C.I.A. representatives at the meeting. Mr. Adams eventually served as a paid consultant to CBS for its documentary, on which he appeared. He is also a defendant in General Westmoreland's suit. ← A

But General Godding said yesterday that he had talked "constantly" to Colonel Hawkins at the conference — they had both flown from Saigon for the meeting — and Colonel Hawkins never complained to him that he was "dissatisfied or displeased" with the military's estimates.

General Godding said that, when an "impasse" developed with the C.I.A. over which figures to use, he took his concerns to an early morning meeting with the Joint Chiefs of Staff, headed by Gen. Earle G. Wheeler.

When General Wheeler and the other Joint Chiefs "concurred" in the decision not to exclude the self-defense and secret self-defense forces, General Godding recalled, he sent a cable to that effect to his immediate superior in Saigon, Lieut. Gen. Phillip B. Davidson Jr.

The next day, according to records introduced during the trial, General Davidson cabled General Godding to say that the figure of 420,000 had "surfaced" in Saigon and "stunned the enemy and this headquarters and resulted in a scream of protests and denials."

"In view of this reaction and in view of General Westmoreland's conversations, all of which you have heard, I am sure this headquarters will not accept a figure in excess of the current strength

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figure carried by the press."

General Godding testified that he interpreted these remarks to mean that General Westmoreland believed the self-defense and secret self-defense forces were not combat forces. He said that before he left Saigon for Langley, he had briefed General Westmoreland on the figures he would present at the conference.

"He told me my estimates were good," General Godding recalled. "He gave me, basically, his blessing and told me to move out."

On cross-examination, Mr. Boies drew admissions from General Godding that, on several occasions, he had erred in his deposition before trial.

For example, in the deposition, General Godding said he had taken to the conference a set of figures that included self-defense and secret self-defense forces. But yesterday, he said the figures he took were revised ones that reflected the exclusion of the two groups.

Mr. Boies asked General Godding about the military threat posed by the self-defense and secret self-defense forces.

"They were capable of putting in small mines," the general said, "or by assisting regular forces by leading them into a combat area."

General Godding agreed that the most complete information on all enemy forces should be made available to American troops at all times, with Mr. Boies implying that, because of the exclusion of the self-defense and secret self-defense forces, that had not been done in Vietnam.

There will be no trial session today.